

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

The Authors Guild, Inc., Associational Plaintiff,  
Betty Miles, Joseph Goulden, and Jim Bouton,  
individually and on behalf of all others similarly  
situated,

Case No. 05 CV 8136-DC

Plaintiffs,

v.

Google Inc.,

Defendant.

**FILED ELECTRONICALLY**

**REPLY DECLARATION OF JOANNE ZACK IN SUPPORT OF PLAINTIFFS'  
MOTION FOR CLASS CERTIFICATION**

I, Joanne Zack, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner in Boni & Zack LLC, counsel for plaintiffs in this litigation, and a member of the bar of this Court. I submit this reply declaration in support of Plaintiffs' Motion for Class Certification.

2. Attached hereto as Exhibit 1 is a true and correct copy of Defendant Google Inc.'s Responses and Objection to Plaintiffs' First Set of Requests for Admission.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Expert Report of Benjamin Edelman.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Expert Report of Daniel Gervais.

5. Attached hereto as Exhibit 4 are true and correct copies of pages from the transcript of the deposition of Jim Bouton in this case.

6. Attached hereto as Exhibit 5 are true and correct copies of pages from the transcript of the deposition of Joseph Goulden in this case.

7. Attached hereto as Exhibit 6 are true and correct copies of pages from the transcript of the deposition of Betty Miles in this case.

8. Attached hereto as Exhibit 7 are true and correct copies of pages 6-7, 30-45, 90-92, 108-09, 114-18, 162-63 from the transcript of the deposition of Daniel Clancy in this case. Google has consented to the public filing of these pages (as redacted). Pages 96-99, 140-41, and 182-87 from this deposition will be filed under seal.

9. Attached hereto as Exhibit 8 are true and correct copies of pages 4, 27-31 and 104-05 from the transcript of the deposition of Kurt Groetsch in this case. Google has consented to the public filing of these pages (as redacted).

10. Attached hereto as Exhibit 9 are true and correct copies of pages 5, 16-17 from the transcript of the deposition of Stephane Jaskiewicz in this case. Google has consented to the public filing of these pages (as redacted).

11. Attached hereto as Exhibit 10 are true and correct copies of pages 3, 62-64, and 96 from the transcript of the deposition of Thomas Turvey in this case. Google has consented to the public filing of these pages (as redacted). Pages 57-61, 81-85, 88-92 and 102-05 from this deposition will be filed under seal.

12. Attached hereto as Exhibit 11 are true and correct copies of pages from the transcript of the deposition of E. Gabriel Perle in this case.

13. Attached hereto as Exhibit 12 are true and correct copies of pages from the

transcript of the deposition of Hal Poret in this case.

14. Attached hereto as Exhibit 13 is a true and correct copy of the Reference Manual on Scientific Evidence, *Second Edition*, Federal Judicial Center 2000, marked as Plaintiffs' Exhibit 76 at Mr. Poret's deposition.

15. Attached hereto as Exhibit 14 is a true and correct copy of information produced by defendant to plaintiffs after Mr. Poret's deposition.

16. Attached hereto as Exhibit 15 is a true and correct copy of the Public Redacted Version of Defendant Google Inc.'s Supplemental Responses and Objections to Plaintiffs' Second Request for Production of Documents and Things.

17. Attached hereto as Exhibits 16 and 17 are, respectively, the Complaint and Answer filed in the case *Authors Guild, et al. v. Hathitrust*, et al., 11 Civ. 6351 (HB), S.D.N.Y.

18. Attached hereto as Exhibit 18 is a true and correct copy of copyright registration information obtained online from the U.S. Copyright Office's Public Copyright Catalog (1978 to present) at <http://www.copyright.gov/records/>.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct, and that this declaration was executed on April 3, 2012 in Bala Cynwyd, Pennsylvania.

/s/Joanne Zack  
Joanne Zack